

COUNTY OF YORK

MEMORANDUM

DATE: June 3, 2003 (BOS Mtg. 6/17/03)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. ZT-74-03, York County Board of Supervisors: Senior Housing

Issue /Background

This application has been sponsored by the Board of Supervisors to allow consideration of potential Zoning Ordinance text amendments intended to better recognize the range of senior housing products being pursued in the housing market. The Zoning Ordinance currently defines and lists *nursing homes* but none of the other common types of senior housing options. By administrative interpretation, *assisted living facilities*, which are not mentioned in the Zoning Ordinance, have been deemed comparable to *nursing homes* and are, therefore, allowed under the same circumstances as nursing homes. This application is intended to address the “gaps” in the current ordinance by defining additional types of senior housing and is prompted, in part, by inquiries from various parties interested in pursuing senior housing products in York County.

Upon sponsorship and referral of this application by the Board, the Planning Commission formed a study committee to review the staff-prepared draft amendments and to develop a recommendation to the Planning Commission. The Committee’s report is attached. The Committee’s recommendations were discussed by the Board at a work session on May 13, 2003 and by the Planning Commission at its meeting and public hearing on May 14th. Subsequent to the public hearing and discussion, the Commission voted to forward the proposed amendments to the Board with a recommendation for approval.

Considerations

1. It is important to note that the proposal amendments would establish opportunities for *age-restricted* housing versus *age-targeted* housing. Age-targeted housing typically does not differ from general housing stock in ways that distinguish it as a separate category of housing for zoning purposes, and so it usually falls within residential zoning categories that are already provided in the ordinance. Rainbrook Villas is an example of an age-targeted project where the features of the housing units and the project amenities are intended to encourage occupancy by seniors and discourage younger families with children. However, Rainbrook Villas does not *restrict* its sales to seniors. Conversely, the amendments propose that *senior housing* be defined as having occupancy *restricted* to those 62 years of age or older. Based on discussions with several prospective developers of senior housing about their typical occupants, the Committee and the Planning Commission believe this is an appropriate age threshold.

2. Several distinct types of senior housing products be defined and provided for in the proposed amendments. They are: *independent living facilities, congregate care facilities, assisted living facilities*, and *continuing care retirement communities*. Each type of product is distinguished by varying levels of on-site services and care assistance that is available to residents (see attachments to Committee report) and they represent somewhat of a hybrid land use by virtue of having characteristics of residential, institutional and business uses.
3. In 2000, there were 6,384 County residents age 62 and older, representing 11.3% of the County's total population. While no specific projections are available for the 62+ age group, the Virginia Employment Commission projects that the County's 65+ population will increase by 39% between 2000 and 2010. Assuming that projection would approximate the 62+ growth, by 2010 there will be approximately 8,800 County residents age 62 or older. Nevertheless, even with the growth in the senior population, housing market experts predict that most seniors will continue to want to age in place in their existing homes and in their familiar surroundings. Therefore, while it is likely that the proposed amendments will result in several development proposals coming forward, it is not likely that "the flood gates will open" for senior housing proposals, simply because personal preferences will continue to be a limiting factor on the market potential.
4. The staff believes there are three principal policy issues involved in this proposal and they were discussed these fairly extensively by the Committee, by the Board at its May 13th work session, and by the Planning Commission at its May 14th public hearing. They are:
 - Density of senior housing developments: The draft amendments prepared initially by staff and now recommended by the Committee and the Commission propose that senior housing development density be capped at a maximum of 20 units per acre. This proposal is based on the premise that average occupancy tends to be lower for senior housing than for general market housing (in part because of a higher occurrence of single-occupant units) and, as a result, many of the impacts for which density is regulated are lessened or eliminated (e.g., no direct school impact, lower traffic generation, lower service demands). While some in the senior housing industry would argue for density allowances even higher than 20 units per acre, staff believes this limit (which would be reviewed in the course of each Special Use Permit application) will provide sufficient opportunities for viable project proposals and is appropriate for York County's suburban character. Nevertheless, staff views this as a significant policy issue for discussion
 - The districts in which the various types of senior housing are proposed to be allowed: As noted in the attached report, the Committee ultimately decided to allow *independent living facilities* by Special Use Permit in the RMF, LB and GB zoning districts and the other types of senior housing (*congregate, assisted*

living and *CCRC's*) by SUP in the LB, GB and EO districts. The Committee concluded that the latter tend more toward “institutional” or “business” uses rather than residential uses and, therefore, are appropriate in the LB, GB and EO districts as long as there is the case-by-case review opportunity of the Special Use Permit process. The Committee spent considerable time discussing the appropriate placement of *independent living* facilities and, in the end, opted to recommend allowing such facilities in the RMF and LB/GB districts. The Planning Commission supported this position in its recommendation to the Board.

Essentially, *independent living* facilities are rental apartment or condominium projects with an age restriction. They tend not to have the level of on-site services and management services that are characteristic of congregate care, assisted living and CCRC facilities and, accordingly, staff had tended to view them from a residential perspective, recommending that they be allowed by SUP in the RMF-Multi-Family Residential District, but not the commercial districts. While there is nothing inherently wrong with allowing *independent living* facilities in the LB and GB Districts and, staff believes it merits discussion as a significant policy issue.

Based on the recommendations of the Committee and Commission and the Board's May 13th work session discussion, the alternatives under consideration appear to be:

- A Consider *independent living* facilities to be the same as any other multi-family/apartment development and allow as a matter-of-right (just like general market apartments) only in the RMF District and only at the current 10 units/acre density limit for multi-family development.
- B Consider *independent living* facilities to be residential uses, thus limiting their location to the RMF district, but recognize that an age-restricted project would have lower public service demands (i.e., schools, traffic, utility usage) than a general market apartment project, thus providing an opportunity for consideration of a higher density limit. Allow only by Special use Permit and set the maximum allowable density limit at:
 - 20 units per acre (as recommended by the Committee and Commission; or
 - ? units/acre (whatever number – between 10 and 20 units per acre – is determined appropriate by the Board).
- C. Consider *independent living* facilities to be more similar to the institutional characteristics of congregate care and assisted living

facilities and provide opportunities for location in the RMF, LB and GB Districts (as recommended by the Committee and Commission) but only by Special Use Permit. Set the maximum density limit at:

- 20 units per acre (as recommended by the Committee and Commission); or
- ? units/acre (whatever number – between 10 and 20 units per acre – is determined appropriate by the Board).

Consistent with our initial draft, staff recommends Alternative B with a 20 units/acre density limit.

- Comprehensive Plan relationships: Related to the density and district location discussion is the issue of potential impact on the build-out population policies established by the Comprehensive Plan. The policy issue to be discussed here is whether allowing senior housing to be located in non-residential zoning districts should be viewed as adding to the “build-out” population. Perhaps, more important is the question of whether or not that is a problem from a policy standpoint, given the relatively insignificant service demand impacts associated with such projects and the assurance that because of the age restrictions there will be no school-age residents. In discussing this issue the Committee and the Commission felt it important to note that these opportunities are not anticipated to result in an overwhelming number of project proposals, simply because research indicates that a limited number of seniors are interested in making the lifestyle change inherent in moving to age restricted housing. Additionally, the Special Use Permit process will allow adequate consideration of impacts and Comprehensive Plan considerations. Nevertheless, staff views this as a policy issue for discussion.

Planning Commission Recommendation

The Planning Commission considered this application at its May 14th meeting and, subsequent to conducting a public hearing at which there was one speaker, voted (6:0) to recommend approval of the proposed text amendments, subject to one minor change regarding street width requirements. The change simply provides an opportunity for the Board of Supervisors to adjust the street width requirements (from the otherwise required standards set by the Subdivision Ordinance) if it deems appropriate.

Recommendation

I believe the Planning Commission and its study committee should be commended for their review and discussion of this issue. I believe the recommendations will provide appropriate and adequate opportunities for age-restricted (versus age-targeted) senior housing proposals in York County. Proposed Ordinance No 03-25 (attached) reflects the provisions recommended by the Planning Commission. As noted above, I recommend adoption of the provisions in this form, but with independent living facilities restricted to

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the RMF zoning district. This modification, which would make the Ordinance 03-25R, would simply remove the S for independent living facilities in the LB and GB zoning district columns in the table of Land Uses (Section 24.1-306).

Carter/3337:jmc

Attachments

- Study Committee Report and Recommendations
- Excerpt – unapproved Planning Commission minutes – May 14, 2003
- Proposed Ordinance No. 03-25